## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)			
	Plaintiff,	) 8:06CR315 )			
	vs.	) DETENTION ORDER			
то	NYA WRIGHT HERNANDEZ,				
	Defendant.	<b>)</b>			
A.	Order For Detention  After waiving a detention hearing pursuant Act on September 29, 2006, the Court ord pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform lers the above-named defendant detained			
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>				
distribute methamphetamine and the distribution of more (Count II) in violation of 21 U.3 sentence of five years imprise imprisonment; the distribut methamphetamine (Count V carries a maximum sentence (b) The offense is a crime of viol (c) The offense involves a narco (d) The offense involves a large at (2) The weight of the evidence against X (3) The history and characteristics of the (a) General Factors:		g: le offense charged: ly to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § 846 hore than 50 grams of methamphetamine 1 U.S.C. § 841(a)(1) both carry a minimum aprisonment and a maximum of forty years stribution of less than 50 grams of nt V) in violation of 21 U.S.C. § 841(a)(1) lence of twenty years imprisonment. If violence. I arcotic drug. I arge amount of controlled substances, to wit: I inst the defendant is high. I of the defendant including:			
	The defendant a may affect whet The defendant h  X The defendant h  X The defendant h  The defendant is The defendant is ties.  Past conduct of X The defendant h  The defendant h	appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. It is not a long time resident of the community does not have any significant community. The defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record.			

## DETENTION ORDER - Page 2

		,	The defendant has a prior record of failure to appear at court proceedings.  At the time of the current arrest, the defendant was on:  Probation  Parole  Release pending trial, sentence, appeal or completion of sentence.  Other Factors:  The defendant is an illegal alien and is subject to
			deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
_X_ (	(4)	releas	nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment, the dant's criminal history, and the defendant's drug abuse history.
_X_ (	(5)	In deto	ttable Presumptions ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:
-	X		That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
-	X	_ (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

## **DETENTION ORDER - Page 3**

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse evaluation of the defendant and provide a copy of the report to the court and counsel.

DATED: September 29, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge